

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VIRGIL LEE HUBBARD,

Defendant.

No. 20-cr-1004-CJW

**ORDER REGARDING  
RULE 32 WAIVER**

The Court is in receipt of Defendant's Notice of Intent to Plead Guilty (Doc. 20) and Consent to Preparation and Inspection of Presentence Investigation Report (Doc. 22.) indicating that Defendant intends to plead guilty. Defendant knowingly waives the presentence report disclosure requirements under Federal Rule of Criminal Procedure 32(e)(1).

The Court hereby accepts the waiver under Rule 32(e)(1). Accordingly:

- (1) It is hereby ordered that the United States Probation Office conduct a presentence investigation and prepare a draft presentence investigation report. Because Defendant has voluntarily waived Defendant's rights under Rule 32(e)(1), the report may be disclosed to the Court and the parties prior to Defendant's guilty plea.
- (2) The parties shall file any offense conduct statement(s) within fourteen days of the date of this Order.
- (3) This matter is hereby removed from the trial calendar. A change of plea hearing will be set for the same date and time as the sentencing hearing. An order regarding sentencing will be issued after the completion of the final presentence report, and a combined change of plea/sentencing hearing will be set at that time.

(4) It is hereby ordered that the time from the date of this request to the date of the plea hearing, once scheduled, is excluded from the time within which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161(h)(1). *See United States v. Mallett*, 751 F.3d 907 (8th Cir. 2014) (holding that “a party’s submission—whether express or implied, formal or informal—. . . to set a change of plea hearing” suspends the speedy trial clock) (internal quotations and citations omitted).

(5) Defendant remains detained.

**IT IS SO ORDERED** this 21st day of May, 2020.

A handwritten signature in black ink, appearing to read 'Mark A. Roberts', is written over a horizontal line.

Mark A. Roberts, United States Magistrate Judge  
Northern District of Iowa